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2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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7 STEVEN VLASICH,

8 Plaintiff,

1:99-CV-6472 AWI WMW PC

9 vs.

ORDER

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11  
12 DR. HOFFMAN,

13  
14 Defendant.  
15

16 Plaintiff has submitted his list of non-incarcerated witnesses. Plaintiff seeks to subpena  
17 the following witnesses:

18 Robert Sillen

19 Gary Rogers

20 J. R. Bardurola

21 Correctional Officer Lemos

22 Dr. Rodriguez

23 Dr. Byron Mui

24 Dr. Dennis Martinez  
25  
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1 In the November 27, 2007, scheduling order, Plaintiff was advised of the following  
2 requirements to subpoena a non-incarcerated witness. If plaintiff wishes to obtain the attendance  
3 of one or more unincarcerated witnesses who refuse to testify voluntarily, plaintiff must first  
4 notify the court in writing of the name and location of each unincarcerated witness. The court  
5 will calculate the travel expense for each unincarcerated witness and notify plaintiff of the  
6 amount(s). Plaintiff must then, for each witness, submit a money order made payable to the  
7 witness for the full amount of the witness's travel expenses plus the daily witness fee of \$40.00.  
8 The subpoena will not be served upon the unincarcerated witness by the United States Marshal  
9 unless the money order is tendered to the court. Because no statute authorizes the use of public  
10 funds for these expenses in civil cases, the tendering of witness fees and travel expenses is  
11 required even if the party was granted leave to proceed in forma pauperis.

12 Plaintiff is advised of the following costs. The current mileage rate is 50.5 cents per mile.  
13 The per diem rate for Fresno is \$142 per day (\$88 lodging and \$54 meals and incidental  
14 expenses). The court notes that the estimated time for trial is three days. Accordingly, Plaintiff  
15 shall submit, in addition to the \$40 witness fee for each witness, the following:

16 Witness Robert Sillen. \$153 for mileage, plus the per diem rate listed above for eachday  
17 that he intends Mr. Sillen to testify.

18 Witness Gary Rogers. \$52 for mileage, plus the per diem rate listed above for eachday  
19 that he intends Mr. Rogers to testify.

20 Witness Correctional Officer Lemos. \$78 for mileage, plus the per diem rate listed above  
21 for eachday that he intends Mr. Lemos to testify.

22 Witness Dr. Rodriguez. \$109 for mileage, plus the per diem rate listed above for eachday  
23 that he intends Dr. Rodriguez to testify.

24 Witness Dr. Mui. \$109 for mileage, plus the per diem rate listed above for eachday that  
25 he intends Dr. Mui to testify.  
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1           Witness Dr. Martinez. \$109 for mileage, plus the per diem rate listed above for eachday  
2 that he intends Dr. Martinez to testify.

3           Upon receipt of the witness fees and costs for the witnesses, the court will issue a  
4 subpoena for the witness and direct the U.S. Marshal to serve the subpoena.

5           Accordingly, IT IS HEREBY ORDERED that Plaintiff shall submit, within two weeks of  
6 the date of service of this order, the witness fees for the non-incarcerated witnesses listed in his  
7 submission of May 8, 2008.

8 IT IS SO ORDERED.

9 **Dated: May 13, 2008**

**/s/ William M. Wunderlich**  
**UNITED STATES MAGISTRATE JUDGE**